

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, ET AL.,

Plaintiffs,

v.

AMERICAN AIRLINES GROUP INC. and  
JETBLUE AIRWAYS CORPORATION,

Defendants.

Civil Action No. 1:21-cv-11558-LTS

**AMERICAN AIRLINES GROUP INC. AND JETBLUE AIRWAYS CORPORATION'S  
MOTION FOR AN ORDER OF CONTINUED IMPOUNDMENT OF CONFIDENTIAL  
MATERIALS RELATING TO MOTIONS IN LIMINE**

Pursuant to Local Rule 7.2 and the Stipulated Protective Order in this case (ECF No. 99), Defendants American Airlines Group Inc. and JetBlue Airways Corporation (collectively “Defendants”) respectfully move the Court for an order of continued impoundment until further order of the court as to limited portions of the Expert Report of Ronald DiLeo, dated July 11, 2022 (“DiLeo Report”), which was previously submitted to the Court as Exhibit 1 to Plaintiffs’ Motion *in Limine* to Exclude Testimony of Defendants’ Expert Ron DiLeo.<sup>1</sup>

This document contains information Delta Air Lines (“Delta”) has designated as Confidential, and United Airlines (“United”) and Alaska Airlines (“Alaska”) have designated as Highly Confidential, under the terms of the Stipulated Protected Order entered in this case. ECF No. 99.

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<sup>1</sup> Along with Plaintiffs’ motion *in limine*, Plaintiffs filed an Unopposed Motion to Temporarily Impound Confidential Materials Relating to Motions *In Limine*, which requested the Court to impound certain exhibits referenced in those motions for seven calendar days. The Court granted Plaintiffs’ Motion to Temporarily Impound Confidential Materials. This Motion is for the continued impoundment of one of those exhibits beyond the limited seven-day period initially requested by Plaintiffs.

The Stipulated Protected Order requires Defendants to seal any such information that a third party has designated as Confidential or Highly Confidential when it is filed on the public docket. *See id.* ¶ 17. Defendants' request for sealing is narrowly tailored. Defendants seek only to seal the excerpts from the DiLeo Report that discuss and reference this third party information. This ensures that detailed third-party information will remain confidential and protects the respective third parties' commercial interests while permitting the public to have the fullest possible access to the DiLeo Report.

Accordingly, and pursuant to the Stipulated Protective Order, Defendants respectfully request that the Court continue to seal limited portions of the exhibit to protect this information designated as Confidential or Highly Confidential by each of Delta, United, and Alaska. Defendants have redacted the DiLeo Report, attached hereto as Exhibit 1, to seal only the relevant confidential material. If the instant motion is granted, Defendants will file Exhibit 1 on the public docket.

Defendants have met and conferred with Plaintiffs as required by Local Rule 7.1, and Plaintiffs do not oppose this motion.

Dated: September 9, 2022

Respectfully submitted,

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**LOCAL RULE 7.1 CERTIFICATION**

Pursuant to Local Rule 7.1, Defendants have met and conferred with Plaintiffs regarding the relief requested in this motion, and Plaintiffs do not oppose this motion.

/s/ Daniel M. Wall  
Daniel M. Wall

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing.

/s/ Daniel M. Wall  
Daniel M. Wall